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Attorneys for Plaintiff/Counter Defendant
TESLA, INC.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TESLA, INC.,
v.
MARTIN TRIPP,
Defendant.

Case No. 3:18-cv-00296-LRH-CBC

**DECLARATION OF MICHAEL T.
LIFRAK IN SUPPORT OF TESLA,
INC.'S REPLY TO ITS MOTION FOR
SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, FOR PARTIAL
SUMMARY JUDGMENT**

AND RELATED COUNTERCLAIMS

1 **I, Michael T. Lifrak, declare as follows:**

2 1. I am a member of the bar of the State of California and a partner at Quinn Emanuel
3 Urquhart & Sullivan, LLP, attorneys for Plaintiff and Counterclaim Defendant Tesla, Inc. I make
4 this declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and
5 would testify competently thereto.

6 2. I submit this declaration in support of Tesla's Reply in support of its Motion for
7 Summary Judgment, or in the alternative, Partial Summary Judgment (the "Reply").

8 3. Attached hereto as **Exhibit 70** is a true and correct copy of excerpts of the
9 confidential deposition transcript of Martin Tripp.

10 4. Attached hereto as **Exhibit 71** is a true and correct copy of the June 15, 2018 email
11 correspondence from Martin Tripp to Linette Lopez, subject line: "Re: Master_C.csv," produced
12 by Martin Tripp at GGL000145-GGL000145.0002.

13 5. Attached hereto as **Exhibit 72** is a true and correct copy of excerpts of the
14 confidential deposition transcript of Nicolas Gicinto.

15 6. Attached hereto as **Exhibit 73** is a true and correct copy of excerpts from the
16 certified transcript of Martin Tripp's June 14, 2018 interview with Nicolas Gicinto and Jake
17 Nocon, produced at TES-TRIPP_0028450-739 and designated confidential. The original audio
18 recording of the interview was produced by Tesla at TES-TRIPP_000002.

19 7. Attached hereto as **Exhibit 74** is a true and correct copy of excerpts of the
20 confidential deposition transcript of David Arnold.

21 8. Attached hereto as **Exhibit 75** is a true and correct copy of excerpts of the
22 confidential deposition transcript of Sarah O'Brien.

23 9. Attached hereto as **Exhibit 76** is a true and correct copy of excerpts of the
24 confidential deposition transcript of Elon Musk.

25 10. Attached hereto as **Exhibit 77** is a true and correct copy of excerpts of the
26 confidential deposition transcript of Sean Gouthro.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct and that this document was executed in Los Angeles, California.

3 DATED: June 9, 2020

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5 By



6 Michael T. Lifrak
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on June 9, 2020, a true and correct copy of the foregoing **DECLARATION OF MICHAEL T. LIFRAK IN SUPPORT OF TESLA, INC.'S REPLY TO ITS MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, FOR PARTIAL SUMMARY JUDGMENT** was electronically filed with the Clerk of the Court by using CM/ECF service which will provide copies to the following counsel of record registered to receive CM/ECF notification.

/s/ CaraMia Gerard

An employee of McDonald Carano LLP